

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JUSTIN SENTEL SULLIVAN,)	
)	
Plaintiff,)	
)	
)	
VS.)	No. 14-2224-JDT-cgc
)	
)	
CITY OF MEMPHIS, ET AL.,)	
)	
Defendants.)	

ORDER GRANTING DEFENDANTS’ MOTION TO COMPEL DISCOVERY
AND TO MODIFY SCHEDULING ORDER
AND DENYING PLAINTIFF’S MOTION TO APPOINT COUNSEL

At the time he filed this action, the *pro se* Plaintiff, Justin Sentel Sullivan, was incarcerated at the Shelby County Correctional Center (“SCCC”) in Memphis, Tennessee. (ECF No. 1.) After the Court partially dismissed the complaint (ECF No. 6), a scheduling order was entered on June 23, 2014. (ECF No. 11.) On January 20, 2015, the Court granted Defendants’ motion to extend the discovery and motion deadlines and to continue the trial. (ECF No. 16.) Plaintiff filed a motion to appoint counsel on March 23, 2015. (ECF No. 17.) On May 21, 2015, Defendants filed a motion to compel discovery and to again modify the scheduling order. (ECF No. 18.) Plaintiff has not responded to the Defendants’ motion.

In his motion for appointment of counsel, Plaintiff stated that he received Defendants’ First Set of Interrogatories and Requests for Production. He contended the information

requested seemed “irregular and irrelevant” and requested appointed counsel to assist him. In their motion to modify the scheduling order, Defendants state they have received no discovery responses whatsoever from Plaintiff. Counsel for Defendants indicates that she wrote to Plaintiff on May 13, 2015, advising that his discovery responses were late and should be served as soon as possible and that she would be requesting another extension of the discovery deadline. (ECF No. 18-2.) Defendants ask the Court to order Plaintiff to serve his discovery responses within fourteen days and to again extend the discovery and motion deadlines.

On June 10, 2015, Defendants also filed a Notice of Returned Mail. (ECF No. 19.) Defendants state that Plaintiff’s copy of the motion to modify the scheduling order, mailed to him at the SCCC on May 21, 2015, was returned undeliverable, marked “Return to Sender Inmate Discharged.” (ECF No. 19-1.)

It appears that Plaintiff may have abandoned this action. However, it is unclear how long it has been since his release from the SCCC, and he might still notify the Clerk of his current address and inquire about the status of the case. Therefore, Defendants’ motion to compel is GRANTED. Plaintiff is hereby ORDERED to respond to the Defendants’ discovery requests within fourteen (14) days after the date of this order. The motion to extend the discovery and motion deadlines is also GRANTED. **The discovery deadline is extended through August 14, 2015, and the dispositive motion deadline is extended through September 14, 2015.**

Plaintiff's motion for appointment of counsel is DENIED. He has not shown there are any exceptional circumstances in this case that warrant the Court's exercise of its discretion to appoint counsel. *See Lavado v. Keohane*, 992 F.2d 601, 606 (6th Cir. 1993).

If Plaintiff fails to comply with this order and does not notify the Clerk of his current address within a reasonable time, the Court will dismiss the case without further notice for failure to prosecute.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE